

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OLUGBENGA OLUFEMI,

Plaintiff,

v.

BEAUMONT HEALTH,

Stafford

Defendant.

Case No: 2:22-cv-12058

Hon. Mark A. Goldsmith

Magistrate Judge Elizabeth A.

THE CORTESE LAW FIRM, PLC
By: Nanette L. Cortese (P43049)
Attorney for Plaintiff
30200 Telegraph Road, Suite 400
Bingham Farms, Michigan 48025
(248) 593-6933
ncortese@thecorteselawfirm.com

KIENBAUM HARDY VIVIANO
PELTON & FORREST, P.L.C.
By: Eric J. Pelton (P40635)
Michelle C. Ruggirello (P75202)
Attorneys for Defendant
280 N. Old Woodward Avenue, Suite
400
Birmingham, Michigan 48009
(248)645-0000
epelton@khvpf.com
mruggirello@khvpf.com

NANETTE L. CORTESE AND THE CORTESE LAW FIRM, PLC'S
RENEWED MOTION TO WITHDRAW

1. This case arises out of claims by Plaintiff Olugbenga Olufemi against Defendant Beaumont Health for race and/or gender discrimination in the termination of his employment as a nurse.

2. A settlement conference was held before Magistrate Judge Elizabeth A. Stafford on March 8, 2023.
3. At the settlement conference, a settlement was reached, and the settlement was put on the record and was acknowledged by Plaintiff.
4. On March 10, 2023, Judge Mark A. Goldsmith entered Order Dismissing Case With Prejudice.
5. On June 12, 2023, Mr. Olufemi at 8:06 a.m. sent an email to Nanette L. Cortese instructing her, “therefore, please terminate all legal service regarding this case.”
6. This Honorable Court previously denied the Motion to Withdraw without prejudice since it appeared that the case had been resolved.
7. Michigan Rule of Professional Conduct 1.16 Declining or Terminating Representation states that a lawyer shall not represent a client or where representation has commenced, shall withdraw from the representation of a client if, “(3) the lawyer is discharged.” MRPC 1.16(a)(3). Further, MRPC 1.16(b)(6) provides that an attorney may also withdraw where good cause for withdrawal exists. Good cause exists in that Mr. Olufemi has informed Nanette L. Cortese and The Cortese Law Firm, PLC that he no longer desires to use their legal services and wishes to terminate their legal services.
8. Pursuant to Local Rule 7.1(a) Nanette L. Cortese sent an email to Olugbenga Olufemi and explained the nature of the request to withdraw and submitted a proposed Stipulated Order.

WHEREFORE, Nanette L. Cortese and The Cortese Law Firm, PLC respectfully request this Honorable Court grant their Renewed Motion to Withdraw as Counsel for Plaintiff Olugbenga Olufemi.

Respectfully Submitted,

THE CORTESE LAW FIRM, PLC

/s/Nanette L. Cortese
Nanette L. Cortese, Esq. (P43049)
Attorney for Plaintiff
30200 Telegraph Road, Ste. 400
Bingham Farms, MI 48025
(248) 593-6933/fax (248) 593-7933
ncortese@thecorteselawfirm.com

DATED: November 17, 2023

CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2023, I electronically filed the foregoing documents with the Clerk of the Court using the electronic filing system which will send notification of such filing to all counsel of record in this matter and sent by email to Olugbenga Olufemi at his email address of record.

/s/ Nanette L. Cortese
NANETTE L. CORTESE

Dated: November 17, 2023

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

OLUGBENGA OLUFEMI,

Plaintiff,

v.

BEAUMONT HEALTH,

Defendant.

Case No: 2:22-cv-12058

Hon. Mark A. Goldsmith

Magistrate Judge Elizabeth A.
Stafford

THE CORTESE LAW FIRM, PLC
By: Nanette L. Cortese (P43049)
Attorney for Plaintiff
30200 Telegraph Road, Suite 400
Bingham Farms, Michigan 48025
(248) 593-6933
ncortese@thecorteselawfirm.com

KIENBAUM HARDY VIVIANO
PELTON & FORREST, P.L.C.
By: Eric J. Pelton (P40635)
Michelle C. Ruggirello (P75202)
Attorneys for Defendant
280 N. Old Woodward Avenue, Suite
400
Birmingham, Michigan 48009
(248)645-0000
epelton@khvpf.com
mruggirello@khvpf.com

BRIEF IN SUPPORT OF NANETTE L. CORTESE AND
THE CORTESE LAW FIRM'S RENEWED MOTION TO WITHDRAW

TABLE OF CONTENTS

Table of Contents 2

Statement of Issue Presented..... 3

Controlling Legal Authorities..... 4

I. Factual Background..... 5

II. Legal Analysis..... 6

III. Conclusion..... 6

STATEMENT OF ISSUE PRESENTED

1. Whether this Honorable Court should grant the Motion to Withdraw.

CONTROLLING LEGAL AUTHORITIES

Rules

Michigan Rule of Professional Conduct 1.16(a)(3)5

Michigan Rule of Professional Conduct 1.16(b)(6)6

I. FACTUAL BACKGROUND

Nanette L. Cortese and The Cortese Law Firm, PLC were retained by Olugbenga Olufemi to file a Complaint in this matter which sets forth claims for race and gender discrimination. This Complaint was based upon the termination of Plaintiff by Defendant Beaumont Health from his position as a Registered Nurse.

After the conclusion of discovery and Defendant taking the deposition of Plaintiff and Plaintiff's counsel taking numerous depositions of Defendant's employees, a Settlement Conference was scheduled.

The Settlement Conference was held on March 8, 2023 before Magistrate Judge Elizabeth Stafford. After extensive negotiation and with the assistance of Magistrate Judge Elizabeth Stafford, a settlement was reached. The settlement was placed on the record and Mr. Olufemi testified as to his understanding and acceptance of the settlement. Counsel for Defendant then forwarded a proposed settlement agreement to counsel for Plaintiff which she forwarded to Mr. Olufemi.

On June 12, 2023 at 8:06 a.m., Mr. Olufemi sent Ms. Cortese an email which stated in pertinent part, "therefore, please terminate all legal service regarding this case."

A conference was held on July 24, 2023 where Mr. Olufemi again placed a settlement agreement on the record.

On August 4, 2023 the Court entered an Order Denying Motion to Withdraw of Attorney Nanette Cortese. ECF No. 30. The Motion was denied without prejudice since it appeared that the case had been resolved after the Conference on August 4, 2023.

Since that time Mr. Olufemi has filed a Motion to Enforce the Settlement Agreement, which has been responded to by Beaumont disputing the Motion. Mr. Olufemi has also filed transcripts. Counsel for Beaumont has sent Ms. Cortese a letter advising her of Mr. Olufemi's obligations under the Stipulated Protective Order.

Mr. Olufemi has been filing pleadings with this Court and Ms. Cortese and The Cortese Law Firm, PLC are still being listed as counsel of record since the Motion to Withdraw was denied. They are therefore filing this renewed Motion.

II. LEGAL ANALYSIS

Michigan Rule of Professional Conduct Rule 1.16(a)(3) provides:

- (a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:
 - (3) the lawyer is discharged.

MRPC 1.16(b)(6) also provides that where a case is pending before a tribunal, a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interest of the client or if other good cause for withdrawal exists.

MRPC 3.1 sets forth the duties of an attorney with respect to the advancement of claims or defenses in a proceeding. Ms. Cortese is concerned since she and her Firm are still listed as counsel of record in this case. MRPC 1.16 allows withdrawal for other good cause. In the instant case Mr. Olufemi has continued making filings to the case

while Nanette L. Cortese and The Cortese Law Firm, PLC are still listed as counsel of record, providing good cause for this Renewed Motion to Withdraw.

In the instant case, Plaintiff Olugbenga Olufemi has advised Nanette L. Cortese and The Cortese Law Firm, PLC that he wishes to terminate the representation.

III. CONCLUSION

WHEREFORE, Nanette L. Cortese and The Cortese Law Firm, PLC respectfully request this Honorable Court grant their Motion to Withdraw as Counsel for Plaintiff Olugbenga Olufemi.

Respectfully submitted,
THE CORTESE LAW FIRM, PLC

/s/Nanette L. Cortese
Nanette L. Cortese (P-43049)
Attorney for Plaintiff
30200 Telegraph Road, Suite 400
Bingham Farms, MI 48025
(248) 593-6933/fax (248) 593-7933
ncortese@thecorteselawfirm.com

Dated: November 17, 2023

CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2023, I electronically filed the foregoing documents with the Clerk of the Court using the electronic filing system which will send notification of such filing to all counsel of record in this matter and served a copy upon Olubenga Olufemi at his last known address.

/s/ Nanette L. Cortese
NANETTE L. CORTESE

Dated: November 17, 2023